

In the Claims

A marked-up version is attached hereto.

B¹

1. (amended) An ingestible, chewable, or aqueous soluble non-toxic capsule containing 5 milliliters of an ethanol composition to facilitate transport, storage, delivery and consumption of recreationally relevant quantities of such alcohol composition, wherein said ethanol composition comprises 5 percent of ethanol or more.

Cancel claims 2 and 3, without prejudice

B²

4. (amended) The capsule according to claim 1 wherein said capsule is soluble, swells, softens, bursts, becomes permeable, or ruptured when contacted with aqueous solutions.

5. (amended) The capsule according to claim 1 in the shape of spheres, ellipses, elongated tubes, sports mascots, logos, sporting goods, animals and humans or portions thereof composed of gelatin, alginate, xanthan gum, guar gum chitin, chitosin, gellan gum, agar, carrageenan, albumin, starch, carboxymethylcellulose (CMC) or mixtures thereof.

6. (amended) The capsule according to claim 5 wherein said capsule contains within an enclosed, sealed cavity, 0.5 to 1.5 ounces of an ethanol composition.

B³

8. (amended) The capsule according to claim 6 wherein said alcohol is between 5% and 95% ethanol.

9. (amended) The capsule according to claim 6 wherein said alcohol is between 25% to 70% ethanol.

10. (amended) The capsule according to claim 6 wherein said alcohol is between [about] 40% and 50% ethanol or 50% and 70% ethanol.

11. (amended) The capsule according to claim 1 wherein the total internal volume of the capsule is between 5 milliliters to about 50 milliliters.

12. (amended) The capsule according to claim 1 wherein the total internal volume of the capsule is between 5 milliliters and 20 milliliters.

15. (amended) The capsule according to claim 14 designed for breakage, crushing, or dissolving in the consumer's mouth.

Cancel claim 17, without prejudice

21. (amended) The capsule according to claim 1 wherein the encapsulating material is capable of sustaining 5 percent or more ethanol concentration within the internal compartment, without dissolution into the ethanol.

Cancel claim 28, without prejudice.

Cancel claim 30 without prejudice.

31. (amended) The capsule according to claim 1 comprising a wax-based capsule containing between 5 and 50 cc of optionally flavored ethanol.

Remarks

Claims 1-17, 21-24, 28-30 and 33 are pending in the subject application. Claims 2 and 3 are cancelled without prejudice as redundant and necessary in view of the amendments to claim 1. Claim 17 is cancelled as unnecessary and as being awkwardly drafted. Claim 28 is cancelled as redundant in view of claim 5 and 29. Claim 30 is cancelled as unnecessary and as being awkwardly drafted.